

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

STEPHAN BEAT **WARTMANN**¹
Junior Party
(Patent 7,975,594)

v.

DAVID WILLIAM **LEEMING**²
Senior Party
(Application 10/584,605)

Patent Interference No. 105,862
(Technology Center 3600)

Before: JAMESON LEE, JOSIAH C. COCKS, and GLENN J. PERRY,
Administrative Patent Judges.

LEE, *Administrative Patent Judge.*

Judgment – Merits – Bd. R. 127

¹ Based on Application 11/668,124, filed January 29, 2007. The real party in interest is Fatzer AG.

² Filed August 9, 2007. The real party in interest is AmSafe Bridport Limited. Accorded the benefit of PCT/GB2007/000329, filed January 17, 2007, and GB060130.0, filed January 17, 2006.

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1 In a concurrent paper (Paper 108), we granted Wartmann's Motion 18 and
2 determined that Leeming's claims 41-51 are unpatentable under 35 U.S.C. § 112,
3 first paragraph, for lack of written description in the specification. Thus, Leeming
4 is without standing to proceed further in this interference. *See* 37 C.F.R.
5 § 41.201(2)(ii). It is now appropriate to enter judgment against Wartmann.

6 It is

7 **ORDERED** that judgment on priority as to Count 1 is entered against senior
8 party DAVID WILLIAM LEEMING;

9 **FURTHER ORDERED** that senior party's claims 41-51 of Application
10 10/584,605, which correspond to Count 1, are **FINALLY REFUSED**;

11 **FURTHER ORDERED** that the parties shall note the requirements of
12 35 U.S.C. §135(c) and Bd. R. 205; and

13 **FURTHER ORDERED** that a copy of this judgment shall be entered into
14 the file of Application 10/584,605, and Patent 7,975,594.

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By Electronic Transmission:

Counsel for Senior Party Leeming:

Joseph P. Hamilton
Michael J. Wise
PERKINS COIE LLP
JHamilton@perkinscoie.com
MWise@perkinscoie.com

Counsel for Junior Party Wartmann:

Brian Roffe
Yucheved Bechhofer
patentattorney@comcast.net
Ybechhofer@gmail.com